

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

John R. Walker,  
Petitioner

vs.

Case No. 1:01cv 848  
(Weber, J.; Black, M.J.)

Jeffrey A. Wolfe, Warden,  
Respondent

---

**ORDER**

---

Petitioner, formerly an inmate in state custody at the Noble Correctional Institution in Caldwell, Ohio, brings a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his 1999 conviction for felonious assault based on a guilty plea. (*See* Doc. 1). This matter is before the Court on petitioner's "motion to strike document section from respondent's motion to dismiss." (Doc. 36).

In a separate Report and Recommendation signed this date, the undersigned United States Magistrate Judge recommended that respondent's motion to dismiss be granted (Doc. 33). Accordingly, petitioner's motion to strike a portion of that motion (Doc. 36) is hereby DENIED as moot.

Date: November 18, 2004

s/Timothy S. Black  
Timothy S. Black  
United States Magistrate Judge